

CHAPTER NO. 175

HOUSE BILL NO. 1310

By Representatives Givens, Walker, Ferguson, Roach, Bowers

Substituted for: Senate Bill No. 1581

By Senators Haun, Burks, Crowe

AN ACT to enact the Tennessee Tobacco Farmers Certifying Board Act of 1999, and to amend Tennessee Code Annotated, Title 43.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 43, is amended by adding Sections 2 through 12 as a new chapter thereto.

SECTION 2. This act shall be known and may be cited as the "Tennessee Tobacco Farmers Certifying Board Act".

SECTION 3. The General Assembly finds and declares that it is advisable to create the Tennessee Tobacco Farmers Certifying Board as a formal mechanism allowing Tennessee tobacco farmers to fully participate in the National Tobacco Farmers Trust being funded by certain cigarette manufacturers as an adjunct to the Master Settlement Agreement entered on November 23, 1998.

SECTION 4. The Tennessee Tobacco Farmers Certifying Board shall be constituted as follows:

- (a) The Governor of the State of Tennessee;
- (b) The Attorney General and Reporter of the State of Tennessee;
- (c) The Commissioner of Agriculture of the State of Tennessee;
- (d) One member of the Tennessee House of Representatives, to be selected by the Speaker of the House and one member of the Tennessee Senate selected by the Speaker of the Senate;
- (e) Two members of the United States Congress selected by and from the Tennessee delegation to that body;
- (f) Not less than three (3) and no more than six (6) tobacco farmers, and/or quota holders, to be appointed by the Governor of the State of Tennessee; and
- (g) One distinguished citizen to be appointed by the Governor of the State of Tennessee.

SECTION 5. The members of the Tennessee Tobacco Farmers Certifying Board who are described in subsections (a), (b), (c), (d) and (e) of Section 4, may, from time to time, authorize representatives to attend and participate in meetings of the Tennessee Tobacco Farmers Certifying Board in their absence. No member of the Tennessee Tobacco Farmers Certifying Board, however, will be permitted to appoint a permanent designee to sit on the Tennessee Tobacco Farmers Certifying Board.

SECTION 6. The Governor of the State of Tennessee, the Attorney General and Reporter of the State of Tennessee and the Commissioner of Agriculture are permanent members of the Tennessee Tobacco Farmers Certifying Board. The terms of office of the other members of the Board shall be determined by reference to the documents creating and establishing the National Tobacco Farmers Trust. All members of the Board appointed by the Governor of the State of Tennessee shall serve at the Governor's pleasure.

SECTION 7. The Board shall, on an annual basis, consistent with the documents creating and establishing the National Tobacco Farmers Trust, certify to the National Tobacco Trust the list of persons who qualify for annual payments from the National Tobacco Farmers Trust.

SECTION 8. All voting members of the Tennessee Tobacco Farmers Certifying Board shall be entitled to all immunities available to persons performing official duties on behalf of the State of Tennessee. All members of the Tennessee Tobacco Farmers Certifying Board who are also members of the United States Congress shall be entitled to all immunities available to them, consistent with applicable law, by virtue of their membership in the United States Congress.

SECTION 9. All members of the Tennessee Tobacco Farmers Certifying Board shall serve without remuneration.

SECTION 10. Administrative expenses incurred by the Tennessee Tobacco Farmers Certifying Board shall be paid, if possible, by the National Tobacco Farmers Trust, or from interest earned on funds held by the National Tobacco Farmers Trust. If the Board's administrative expenses cannot be recovered from the National Tobacco Farmers Trust or from interest earned or funds held by the National Tobacco Farmers Trust, the General Assembly shall make an appropriation to cover these expenses.

SECTION 11. Tennessee Tobacco Farmers Certifying Board will remain in existence until June 30, 2014 or until the termination of the National Tobacco Farmers Trust, whichever occurs first.

SECTION 12. Tennessee Code Annotated, Section 4-29-222(a), is amended by adding a new item thereto, as follows:

() Tennessee Tobacco Farmers Certifying Board, created by Section 4 of this act;

SECTION 13. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 3, 1999


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 14th day of May 1999


DON SUNDQUIST, GOVERNOR